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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 92-316
	)	
RIVERTOWN COMMUNICATIONS COMPANY, INC.	)	File No. BPH-911008ME
	)	
SAMPLE BROADCASTING COMPANY, L.P.	)	File No. BPH-911010ME
	)	
For Construction Permits For a	)	
New FM Station on Channel 282C3	)	
at Eldon, Iowa	)	

TO: Administrative Law Judge  
John M. Frysiak

MOTION TO ACCEPT LATE-FILED "MOTION TO ENLARGE ISSUES"

Rivertown Communications Company, Inc, by its attorney,  
respectfully moves that its **Motion to Enlarge Issues** filed  
concurrently herewith be accepted, notwithstanding that it is  
apparently untimely by two days. In support thereof, it states  
as follows:

Section 1.229(a) of the Rules as amended effective July 1,  
1991, provides that motions to enlarge issues must be filed  
within fifteen days after publication of the HDO in the Federal  
Register, "except as provided for in subparagraph (b)." Prior to  
its 1991 amendment, subparagraph (b) provided, as to comparative  
non-renewal proceedings, that such motions were to be filed  
within thirty days of Federal Register publication. However,  
the 1991 amendments to that rule contemplate that, as set forth  
in Section 1.229(b), where only new applicants are involved, such

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motions must be filed within thirty days following release of the HDO. Here, as the HDO was released on January 21, the Motion was due on Monday, February 22.

Counsel for Rivertown failed to grasp until last evening, while editing its **Motion to Enlarge**, the effect of the 1991 amendments to Section 1.229, and had calculated that the Motion was due on February 25 -- fifteen days after Federal Register publication -- in a misplaced reliance upon the general rule stated in 1.229(a), coupled with his uninformed recollection (based upon the pre-1991 rule) that Federal Register publication was the starting gun for all motions to enlarge.<sup>1</sup>

Thus, the accompanying **Motion to Enlarge** is two days out of time. Good cause for its acceptance, notwithstanding its slight untimeliness, exists, in that:

1) The substance of the Motion is no surprise to Sample Broadcasting, since it is essentially the same matters covered in Rivertown's April 14, 1992 Petition to Deny;

2) Sample will not be procedurally prejudiced, nor will the instant proceeding be delayed, since hand service of the Motion upon all counsel is being made today.

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<sup>1</sup> Based on this misperception, the undersigned called Bureau counsel assigned to this proceeding on February 10, to inquire as to the status of Federal Register publication of the HDO -- a needless inquiry, in view of the irrelevancy of such publication to this proceeding.

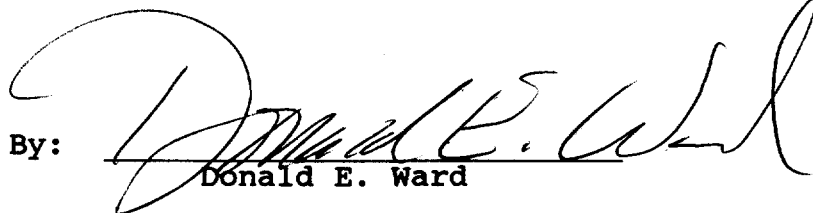
In any event, the **Motion to Enlarge** raises a "question of probable decisional significance and such substantial public interest importance as to warrant consideration in spite of its untimely filing;" Section 1.229(c).

Accordingly, it is respectfully requested that the instant motion be granted, and the concurrently-filed **Motion to Enlarge Issues** be accepted.

Respectfully submitted,

RIVERTOWN COMMUNICATIONS COMPANY, INC.

By:



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February 24, 1993

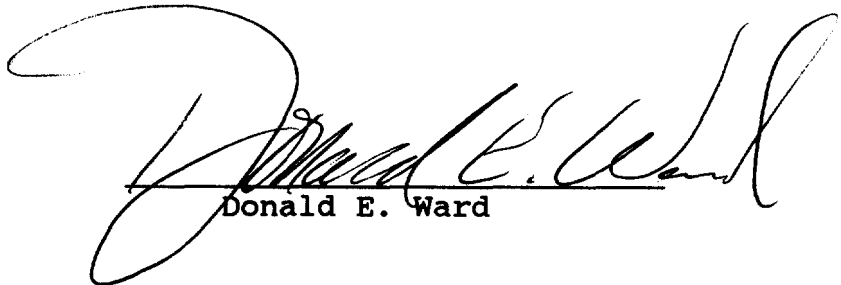
CERTIFICATE OF SERVICE

I, Donald E. Ward, do hereby certify that I have this 24th day of February, 1993, caused to be served by hand a copy of the foregoing "MOTION TO ACCEPT LATE-FILED 'MOTION TO ENLARGE ISSUES'" to the following:

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